(32)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, CJ.

Contempt Petition No.72 OF 2007

Applicants

1. Sushri Thanwarin Kaivart, aged about 56 years, D/o. Shri Sawal Ram Kaivart, Teacher, Kanya Ashram Dhanora, Tahsil Bijapur, District Dantewada (C.G.)

2. Sushri Malti Yadav, aged about 57 years, D/o. Late Shri Roopchand Yadav, (Teacher) Superintendent, Kanya Ashram Mutanpal, Block Bastanar, Tahsil Jagdalpur, District Bastar (C.G.)

3. Kaushal Kishore Pathak, aged about 52 years, Son of Shri R.S. Pathak, Teacher, Kanya Ashram Dimrapal, Block Tokapal, Tahsil Jagdalpur District Bastar (C.G.)

Vs.

Contemnors

1. Sushri Sangeeta Mohanti, Secretary, Mata Rukmani Sewa Sansthan, Dimrapal Tahsil, Jagdalpur, District Bastar (C.G.)

2. B.L. Thakur, Commissioner, Scheduled Caste, Schedule Tribes and Backward Classes Welfare Department University Premises Raipur (C.G.)

3. L.K. Gupta, Additional Director, Scheduled Caste, Schedule Tribes and Backward Classes Welfare Department University Premises Raipur (C.G.)

4. Jitendra Gupta, Assistant Commissioner, Tribal Welfare Department, Jagdalpur, District Bastar (C.G.)

5. Ganesh Shankar Mishra, Collector Bastar Jagdalpur, District Bastar (C.G.)

6. K.R. Pisda, Collector Dantewada, District South Bastar (C.G.)

(33)

Present: Shri P.K.C. Tiwari, Sr. Counsel with Shri Rakesh Thakur, counsel for the petitioners.

ORAL ORDER
(Passed on 29th March, 2007)

The complainants are before me inter alia alleging that the respondents in this contempt petition have deliberately disobeyed the orders and directions issued by this Court while disposing of the Writ Petition No.1481/2000 dated 02.01.2006.

(2) The writ petition filed by the complainants had questioned the validity or otherwise of the order dated 27.01.2000 passed by the respondents terminating the services of the petitioners on the ground of irregularity in appointment because of over age/under age/ lack of necessary qualifications.

(3) Learned Single Judge after considering the case of the parties to the *lis* has come to the conclusion that the respondents are not justified in passing the order Annexures P/8 to P/40 dated 27.01.2000 and accordingly quashed the same.

(4) The petitioners allege in this contempt petition that after the disposal of the writ petition, the respondents once again have passed the order dated 09.02.2007 informing the petitioners that they are over aged and therefore, they are not entitled to continue with the appointment. This action of the respondents, according to the petitioners, is in violation of the orders passed by this Court in the aforesaid writ petition.

(5) I do not find any merit in the contention canvassed by the petitioners for the reason that while disposing of the writ petition the Court had merely quashed the order passed by the respondents dated 27.01.2000. The Court had not issued any further directions. In absence of any direction issued by this Court, in my opinion, it cannot be said that the respondents have committed an act of contempt by issuing the notice/order to the petitioners

(34)

dated 09.02.2007. In that view of the matter, I do not intend to take cognizance of the complaint filed by the petitioners. Accordingly, the petition is rejected. However, liberty is reserved to the petitioners, if they so desire, to question the correctness or otherwise of the order passed by the respondents dated 27.01.2000 before the appropriate forum. Ordered accordingly.

Sd/-
Chief Justice